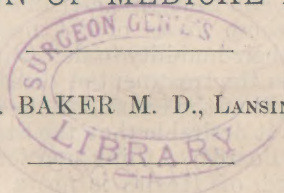


Baker (H. B.)



## REGULATION OF MEDICAL PRACTICE.

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Reprinted from the November, (1880) number of THE PHYSICIAN AND SURGEON, Ann Arbor, Michigan.

(1) Considering the facility with which diplomas have been issued in Philadelphia, and with which they are perhaps more likely to be issued in other States where laws do not forbid,—is it judicious to provide by law that diplomas *shall* be accepted as evidence of proper qualifications? It would seem not. It may be well to provide that diplomas *may* be accepted.

(2) If then, there are to be examinations in the medical sciences is it desirable that examiners be elected by the people, or that the people delegate this duty to some public servants believed to be better qualified than the average citizen to judge of the scientific abilities of examiners? The latter plan seems to be the best. The quacks and ignorant imposters appear to be supported by the people's money; it is possible that they would be supported by the people's votes; though considering that a large majority of the physicians supported by the people have fair qualifications, and considering that as a rule, with some notable exceptions however, the best physicians appear to have the greatest practice, it seems plain that a majority of the most intelligent people of the State are in some way able to judge well of physicians, and favor those who are qualified, and that only a minority of the people need protection from impostors in the medical profession. Even though no progress beyond average acquirements is attempted, public economy as well as public health demands that each person who offers expert medical and surgical advice shall be examined by one board for all the people; for (as has been suggested by a writer in the *Popular Science Monthly*) it is not only expensive but it is frequently impossible and generally impracticable to have any proper examination by each householder or citizen for himself, because of the circumstances of emergency under which such expert advice is generally needed, as in case of the unexpected sickness or injury of the householder himself or of a member of his household; so that an Examining Board elected by the people though not as good as could be selected by the State acting under good expert advice, would still be better than no

Examining Board. For the State to employ expert advice is correct in principle,—it is precisely what the individual seeks to do in the employment of a physician. The only hope for progress by means of a State Examining Board lies in the hope that in selecting expert advisers the State may do better than some of its citizens, and thus protect many who are poor as well as ignorant from those losses of life, health, and prosperity which result from their inability to detect impostors who claim expert knowledge in the treatment of diseases and deformities.

(3) Considering that the examinations are in the interests of public health is it desirable that the State Board of Health be the Examining Board? I think not, for reasons as follows:

The State Board of Health is not a medical Board; its members are not all necessarily skilled in the medical sciences, their duties being confined to the prevention of sickness and deaths, but stopping short of the care of disease already in progress, for the treatment of which there is no necessity for public provision, because of the abundant supply of physicians. Accordingly, however well qualified some of its members may actually chance to be, theoretically the State Board of Health is not qualified to examine in the strictly medical sciences; certainly its members are not selected and should not be selected, with reference to special fitness in those sciences, but for special knowledge and interests in sanitary science which, though largely dependent upon some of the medical sciences, has not heretofore been considered essential to the practicing physician. Its members are not now, and I hardly think it would be proper to have them in the future, selected with reference to qualifications as examiners in the medical sciences, because their main work of research in the causation, and labor for the restriction and prevention of diseases is too important to be interfered with so much as I fear it would be if that additional duty were imposed upon them,—and especially as with the exception of the Secretary they have no pay for their services, and have more to do than they can afford to do for nothing for a wealthy State like Michigan.

(4) Considering the important character of the work of the proposed Medical Examining Board, is it not desirable that its members shall be selected with sole reference to their qualifications and abilities for that work? It would seem that it is. If this is conceded, it follows that neither the State Board of Health nor any existing officers or public servants are the best for the work.

(5) In paragraph (2) it is suggested that it is desirable to have the members of the proposed Examining Board selected by some public servants best qualified to judge of the fitness of candidates whom they may select or who may be proposed by others. Inasmuch as the examination is in the interest of public health, it seems to me to be proper and perhaps judicious that the State Board of Health shall be required to appoint or nominate some of the members of the proposed Examining



Board. In case the Examining Board shall examine in sanitary science or public health laws, I see no objection to allowing the State Board of Health to appoint one or more of its own members on that Board; and this might be appropriate.

#### DANGERS IN THE SELECTION OF MEMBERS.

(6) What are the dangers to be encountered or guarded against in the selection of members of the proposed Board? First, and above all other dangers, as it seems to me, is the danger of having the Board consist entirely or in part of the very class of persons which it is for the interests of the public to have restrained from the practice of medicine. Whether this danger can be guarded against in any better manner than by having the members of the proposed Examining Board appointed by the State Board of Health should be considered. It seems to me that it can be better guarded against by having some considerable proportion of the members of the Examining Board selected by members of the medical profession.

(7) Shall the State require examinations other than in the sciences?

It seems obvious that the State has no right or interest in forcing upon the people the mere opinions of a few, and that, so far as relates to knowledge, examinations should be rigidly confined to demonstrable knowledge, accepted as such by a majority of those who give the subject sufficient study to be qualified to judge. Such knowledge is grouped about general principles or subjects, and thus is included in some science.

There are manifest reasons why the examination may properly include facts respecting moral character; and this should be specified in the law.

#### A SERIOUS DANGER IN THE NATURE OF THE EXAMINATION.

(8) One of the worst things that can happen is the legal establishment of an Examining Board planned to examine in something not established, some "pathy," dogma, or hypothesis which by the rapid progress in science will soon be a thing of the past. It may appear to some that though such an examination is of no present value, it will help pass the bill and secure a law, and do no harm. Undoubtedly it will induce those who believe in the dogma, "pathy," or hypothesis, to help enact the law, but this is a subject which I think is of the greatest possible importance, and for reasons stated below as well as for other important reasons, I think it would be much better for the highest interests of the public, as well as for the future progress of the medical profession in which the public has a vital interest, that no law whatever should be passed than that such an examination as has just been mentioned should be required or legally *authorized*. Such an Examining Board, controlling the medical profession of a State, is a calamity indeed;—for it will clog the wheels of progress for long weary

years, and add one more heavy weight for the medical profession to carry. Without State control, the profession in advancing has only to struggle with the ignorance of the people; and this it is which now retards its progress, for the medical profession cannot advance faster than it is supported in doing by the people—because all its support comes *directly* from the people. State law has a powerful educational influence, and an old law has great inertia; a law requiring examination in some dogma would in time so impress the people with the idea that knowledge in the direction of the dogma is essential that extraordinary effort and progress would be required to displace the wrong impression.

(9) The specifications in the law concerning qualifications of examiners and those examined and passed would naturally include the naming of the sciences in which examinations shall be made. What should they be? If the people are ready for it, it seems to me that the State requirements of those who begin to practice, from this time forward, should be such to begin with as to fall just short of those for graduation from the average medical college in this country. This, on the principle of not striving for the unattainable, yet also on the principle of preventing any influence toward lowering the average standard now maintained by medical colleges.

The foregoing may apply to the number and names of the sciences in which examinations shall be made, and also to the thoroughness with which examinations in those sciences shall be made?

(10) What are the generally accepted sciences supplying a basis for medical knowledge and practice? Anatomy, physiology, pathology, ætiology, chemistry, toxicology, perhaps others. For myself, I think there are others; including the science of therapeutics; but I do not think this is generally accepted.

(11) If it is objected that because of no examination in therapeutics, this examination is like the play of Hamlet with Hamlet left out,—I reply that there must always be left something on which no examination can be made. It is impossible to go through all the difficulties the candidate will encounter in practice.

An ex-president of the Michigan State Medical society has suggested that a rigid examination in the logical use of the English language would exclude nearly all the worst classes of unqualified practitioners of medicine; and it seems well worthy of consideration whether, after all, the State examination should not be restricted to such an examination. Some of the reasons for such an examination, and for resting on that for a time may be stated as follows: Aside from the observation and experience of the individual, whatever is learned in the science or art of medicine is received through the medium of language, written or spoken. If one's knowledge of methods by which ideas are conveyed is defective, and he is unable to grasp and correctly comprehend the ideas of others expressed



in the common language of his country, he is necessarily debarred from a correct knowledge of those attainments by his fellow-workers in similar fields; he is debarred from correctly appreciating that great store of knowledge which has been accumulating for generations, and which can only be conveyed to one capable of understanding the logical use of language. In the use of what little knowledge he can secure, such a person is an unsafe one to trust with the lives of those we hold dear to us, because of the great liability of errors through his imperfect directions to prescription clerks, nurses and others who oftentimes administer powerful remedies under physicians' orders. It seems positively necessary that a physician should be able to understand other persons correctly, and be capable of expressing his ideas clearly in the language of the country.

There is great propriety in the State requiring an examination in the language of the country, because in so doing, it secures a starting point within the common knowledge of the people from which to judge of the working of the mind of the candidate, and if he is found incapable of using the common methods for conveying ideas with a fair degree of accuracy, the State has a right to assume that he is not sufficiently capable of gaining and of imparting ideas in the medical sciences to make him a safe person in whose care to entrust the lives of its citizens. If color-blindness is a sufficient reason for revoking the license of a pilot or of a railroad engineer, surely inability to understand the language of one's own country should debar a person from the practice of medicine; and of one thus disqualified no further examination is required.

It may be questioned whether it will not be well for the State to begin its restriction of practitioners with only such a law and examination as will hereafter exclude additions to the profession in this State of any who on examination are found incapable of fairly receiving and conveying by means of the English language ideas common in intelligent communities. If it go further than this, the State must employ, and act upon the advice of experts, for, of itself, it has not yet the skilled knowledge to enable it to go further. A movement for such an examination is certainly in the right direction and should be supported. If it turns out that the people will support a demand for more knowledge on the part of physicians, and especially if they exhibit good judgment in the selection of expert advisers or examiners, then the examination in the medical sciences can be added, one at a time, or all together.

(12) If leading teachers in the medical profession can have the naming of a majority of the members of the State Examining Board, and thus ensure that the Board shall be composed of scientific men, without reference to political views or changes, and if it be possible at this time to secure a law requiring examinations in the most important sciences which underlie and enter into the science and art of medicine, it certainly seems very desirable in the interest of public health. The bill which

I have drawn, and which is herewith submitted for amendment, approval, or disapproval, has been planned in the hope that the profession and the people will agree and take action in some such direction.

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## A PROPOSED BILL

### TO REGULATE THE PRACTICE OF MEDICINE.\*

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Reprinted from the November (1880) number of THE PHYSICIAN AND SURGEON, Ann Arbor, Michigan.

SECTION 1. *The people of the State of Michigan enact, That,* from and after the time when this act shall take effect no person shall begin the practice of medicine or of any branch or department thereof, (except dentistry?) or profess to begin the practice thereof, in this State, without first exhibiting evidence of qualifications for such profession in accordance with the provisions of this act. In this section, the term, "begin the practice of medicine in this State," shall not apply to such persons as shall have practiced medicine (in this State?) during three years, nor to persons who at the time this act takes effect, are actually practicing, and have been practicing medicine, in this State, for a period of ..... months; *provided* that such persons shall have registered as practicing physicians, as provided in this act.

SECTION 2. A State Board of Medical Examiners is hereby constituted as follows: The faculty of each legally-constituted and reputable medical college in this State, authorized by law to confer the degree of Doctor of Medicine, and actually existing and teaching as such a college, shall name one member, the Superintendent of Public Instruction shall name one member, and the State Board of Health shall name one member; of the persons thus named, six shall be appointed by the Governor, and when duly qualified, and when their oaths of office shall have been filed in the office of the Secretary of State at Lansing, they shall organize as a State Board of Medical Examiners, and shall elect from their number a president, a secretary, and such other officers as their organization may require, and shall adopt and publish rules for procedure. *Provided*, that the failure of any college, or of all the colleges, to name a candidate for membership shall not cause a failure to organize or continue the Board; but the Governor shall appoint the six members, and those actually nominated, appointed and legally qualified, shall organize and perform all the duties of the State Board of Medical Examiners.

\*Drawn by Henry B. Baker, M. D. Lansing, Michigan.



SECTION 3. The term of office of each member first appointed shall be decided by lot, so that the terms of two members shall expire every two years; and the term of office of each member appointed thereafter shall be six years.

SECTION 4. It shall be the duty of the members of the State Board of Medical Examiners to organize as a Board immediately after this act takes effect, and proceed at once to prepare plans for a record-book for the use of the county clerks, blank forms for returns by the county clerks to the State Board of Medical Examiners, and such other blanks, circulars, instructions, etc., as may be necessary to carry this act into effect in the first instance, and with a view to its continuance, and to cause such record-books, blank forms, and circulars to be made by the State printers and binders, and to cause to be given to the Board of State Auditors, for audit and payment out of the general fund, bills for such printing and binding, duly certified by the State printers and binders and by the Secretary of the State Board of Medical Examiners.

SECTION 5. The Expenses of the State Board of Medical Examiners, and the compensation of its members, shall be paid out of money collected by the Board from the candidates examined, in accordance with Section ..... of this act. *Provided*, that the expenses of starting the work of registration of physicians shall be paid as specified in Section ..... of this act.

SECTION 6. Each candidate for examination shall pay to the Board or its treasurer, the sum of ..... dollars.

SECTION 7. The State Board of Medical Examiners shall keep a record of all examinations made by it, which record shall include statements of items requisite for a description of the person examined; such as the name, age, sex, color, height, color of hair, color of eyes, and other items if necessary; the names of the examiners, specifying the one who examined each candidate in each subject, the subjects in which each candidate passed successfully, those in which he fails to pass, and his standing in each subject.

SECTION 8. In each year the State Board of Medical Examiners shall make a report to the Governor, which report shall include accounts of receipts and expenditures by the Board, statements of the number of candidates examined, the number and names of those passed, and the number rejected, copies of the questions asked—which shall not all be the same in any two years, and copies of the rules and regulations of the Board of Examiners; also the number of registered practitioners in each county, as reported to the Board by the county clerks.

SECTION 9. It shall be the duty of the State Board of Medical examiners to examine each candidate for the practice of medicine or of any branch of the medical practice, as to proficiency in the English language and in the sciences of anatomy, physiology, pathology, ætiology, chemistry, and toxicology, as follows: Relative to the English language, the examination of each candidate shall be such as to ascertain whether

the candidate has sufficient intelligence and education to enable him or her to read and write understandingly, accurately, and logically, on such topics as are likely to arise in the course of his studies and in his relations with those who will fill his prescriptions, act as nurses, be his patrons, or officially consider his testimony in court. This examination shall be rigid; and failure to pass this examination shall cause the applicant to be rejected without further examination, provided, however, that such rejection shall only be by the vote of a majority of the members of the Board. Relative to anatomy the examination shall be such as to ascertain whether the candidate has sufficient knowledge of the subject to enable him or her to explain the nature and relative position of the different structures in any part of the body, with reference to any injury, surgical operation, or other practical question connected with any of the several branches of medical practice. With reference to physiology, the examination shall be such as to ascertain whether the candidate is able to explain the normal function of each important organ in the human body, so far as the same is known and established in science. With reference to pathology, the examination shall be such as to ascertain whether the candidate is able to explain to one familiar with the science the usual changes which occur in the structures and functions of the different organs, systems, and parts of the human body in each of the common diseases. The examination in ætiology shall extend to what is known of the causes of the principal diseases which prevail in this State. The examination in chemistry shall include tests of the candidate's knowledge of the characters of acids, bases, alkaloids, alcohols, and ethers, ordinary reactions and the reactions which occur under given circumstances between different chemicals or substances used as medicines, the chemistry of the blood and of other fluids and solids of the human body, the proximate analysis of urine, the normal composition of cow's milk, and the chemistry of foods, nutrients, and drinks. The examination in toxicology shall be sufficient to indicate the candidate's knowledge of the most common poisons, the nature and appearance of each, the common sources of each, the effects upon the healthy human being, poisonous and fatal doses of each poison, tests for poisons, and the chemical and household antidotes for the poisons. In each of these examinations questions upon which only opinions can be expressed shall not be asked; but in examinations in the English language the questions shall be restricted to established usage, and in the sciences they shall be restricted to established and demonstrable knowledge, accepted as such by a majority of those who teach those sciences.

SECTION 10. The State Board of Medical Examiners shall grant to candidates who pass a satisfactory examination in the several subjects required by Section 8 of this act, a certificate, under the seal of the Board, stating when they were examined, and in what subjects they passed an examination. Provided



that the Board may decline to examine or to grant a certificate to any candidate whose moral character is bad.

SECTION 11. It shall be the duty of the clerk of each county in this State, to receive the books, instructions, blank forms for returns, etc., prepared in accordance with Section 3 of this act; to make and keep a record of all physicians entitled to be recorded under this act; and to report annually to the State Board of Medical Examiners, at Lansing, the names, post-office addresses, etc., of physicians recorded during the year, and such other facts as are required in the instructions from the State Board of Medical Examiners, in order to fulfill the intent of this act.

SECTION 12. Any person who has practiced as a physician (in this State?) for a period of not less than three years or who is actually practicing as a physician in this State at the time this act takes effect, and has been so practicing for a period of ..... months, may, at any time within ..... months (days?) after this act shall take effect, apply to the clerk of the county in which he resides, to be recorded as a physician, in manner as follows: The application shall be on a blank prepared by the State Board of Medical Examiners, and supplied by the county clerk, and shall specify the time and place of such practice, the "school," pathy, specialty, or system of therapeutics or other branch of medicine practiced, the time and place of graduation as a doctor of medicine, the age, sex, color, place of residence, and post-office address of the applicant, and such other facts as the State Board of Medical Examiners shall deem important to be placed upon record, and shall provide for in the blank forms or instructions prepared by such State Board.

SECTION 13. Upon receipt of an application as specified in Section 12, duly signed and sworn to by the applicant, and attested by two witnesses before some person known to the county clerk to be authorized to administer such oaths, the county clerk shall make the record contemplated by this act; *provided* such sworn application shall show that the applicant has practiced medicine, as specified in Section 12, for the time and as otherwise required by this act, in order to authorize a person to practice medicine in this State; and *provided* further, that the application shall reach the county clerk within.....months (days?) after this act takes effect. A practitioner concerning whom such record is made, shall be considered a legally-registered practitioner of medicine in that county.

SECTION 14. At any time after this act shall take effect, upon receipt of a certificate, issued by the State Board of Medical Examiners, stating that the applicant has passed the examination required to be made by that Board, together with such an application as is specified in Sections 10 and 11, including also a similarly sworn and attested statement that the applicant is the same person examined, and to whom the certificate was issued, the county clerk shall make the record of the applicant as a practitioner of medicine, and such practitioner shall be

considered legally authorized to practice medicine in that county.

SECTION 15. Upon application, together with a copy of a record of a practitioner, certified by the clerk of a county to be an accurate and complete copy of the original record, together with a sworn and attested statement by the applicant that he intends to practice medicine within the county in which he thus applies and other than that in which the record was first made the clerk of the county shall make and keep a record, which shall include the first record, and such other facts as the State Board of Examiners shall specify in its instructions. In case a practitioner removes from one county to another, it shall be the duty of the practitioner to place upon record with the clerk in the county from and the county to which he removes, his correct post-office address, and to cause a certified copy of the original record to be made and recorded as specified in this section.

SECTION 16. A certified copy of the record of any practitioner may be obtained by any person from the county clerk upon payment of the proper or the usual fee for such service.

SECTION 17. No person who practices medicine, surgery, or midwifery, in any of their branches (except dentistry?) shall be able in any of the courts of this State to collect pay for professional services rendered subsequently to the time stated for this act to go into effect, unless he or she was at the time such professional services were rendered duly registered as a medical practitioner according to the several provisions of this act.

SECTION 18. It shall be unlawful for any person to practice, profess to practice, medicine, surgery, obstetrics, or any art of healing, or treatment of the sick (except dentistry?) or receive pay for practicing in this State, except there shall be in the office of the clerk of the county in which the practice is performed a record of such person as a practitioner, in accordance with the several sections of this act; and if any person who has not complied with this act, and who has not thus been authorized, shall practice or profess to practice medicine, surgery, or the art of healing, or any of their branches, whether of therapeutics, obstetrics, surgery, or any other department thereof, (except dentistry?) in this State, he or she shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be liable to a penalty in any sum not exceeding.....dollars, and to imprisonment not exceeding.....years.

SECTION 19. It shall be the duty of the State Board of Health and of the health officer and local board of health in each township, city, and village, to co-operate with the State Board of Medical Examiners, which is hereby charged with the duty of securing the fulfillment of the requirements of this act.

SECTION 20. The Board of State Auditors shall, if required, provide and furnish office-room for the State Board of Medical Examiners at Lansing.